

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNIVERSITIES SUPERANNUATION)
SCHEME LIMITED,)
Plaintiff,) ECF Case
) Document Electronically Filed
v.)
PERRIGO COMPANY, PLC, *et al.*,) Civil Action No. 2:20-cv-02262-MCA-LDW
Defendants.)
)

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on March 2, 2020, plaintiff filed a complaint (ECF No. 1, or the “Complaint”) in the above-captioned action (the “Action”);

WHEREAS, the Action has been designated as related to *Roofers’ Pension Fund v. Papa, et al.*, No. 2:16-cv-2805-MCA-LDW (the “Consolidated Class Action”);

WHEREAS, the Complaint involves claims, allegations, and parties that significantly overlap with the claims, allegations, and parties described in the June 21, 2017 Amended Complaint for Violation of the Federal Securities Laws in the Consolidated Class Action (the “Amended Complaint”);

WHEREAS, the defendants in the Consolidated Class Action moved to dismiss the Amended Complaint (the “Motions to Dismiss”);

WHEREAS, on July 27, 2018, the Court in the Consolidated Class Action issued an opinion granting in part and denying in part the Motions to Dismiss (2018 WL 3601229) (the “July 27, 2018 Decision”);

WHEREAS, the parties seek entry of an order replicating any issues resolved by the July 27, 2018 Decision;

WHEREAS, the Complaint involves claims, allegations, and parties that significantly overlap with the claims, allegations, and parties described in the operative complaints in *Mason Capital L.P., et al. v. Perrigo Company plc, et al.*, No. 2:18-cv-01119-MCA-LDW; *Pentwater Equity Opportunities Master Fund Ltd., et al., v. Perrigo Company plc, et al.*, No. 2:18-cv-01121-MCA-LDW; *Hudson Bay Master Fund Ltd., et al. v. Perrigo Company plc, et al.*, No. 2:18-cv-16206-MCA-LDW; *WCM Alternatives: Event-Driven Fund, et al. v. Perrigo Company plc, et al.*, No. 2:18-cv-16204-MCA-LDW (collectively, the “Individual Actions”); *York Capital Management, L.P., et al. v. Perrigo Company plc, et al.*, No. 2:19-cv-21732-MCA-LDW; *Discovery Global Citizens Master Fund, Ltd, et al. v. Perrigo Company plc, et al.*, No. 2:19-cv-21502-MCA-LDW; and *Burlington Loan Management DAC (F/K/A Burlington Loan Management Limited v. Perrigo Company plc, et al.*, No. 2:20-cv-01484-MCA-LDW;

WHEREAS, discovery is ongoing in the Consolidated Class Action and in the Individual Actions; and

WHEREAS, the parties have agreed that Defendants shall answer, rather than move to dismiss, the Complaint on or before April 21, 2020.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties hereto, through their undersigned counsel, as follows:

1. By entering into this stipulation, Defendants accept service of the summons and Complaint in the Action and expressly preserve all rights, claims and defenses, including, but not limited to, all defenses relating to jurisdiction, other than a defense as to the timeliness and sufficiency of service of the summons and Complaint and the form of the summons.

2. The issues and arguments raised in the briefing in connection with the Motions to Dismiss in the Consolidated Class Action shall not be re-briefed in this Action but rather, for purposes of judicial efficiency, shall be treated as if such issues and arguments had been raised in motion(s) to dismiss in this Action and had been resolved in a similar fashion to the way those issues and arguments were resolved in the July 27, 2018 Decision, including, but not limited to, the determinations by the Court in the Consolidated Class Action to “dismiss Plaintiff’s claims regarding the Tysabri royalty stream without prejudice” and “dismiss the claims related to organic growth without prejudice.”

3. Defendants shall answer the Complaint on or before April 21, 2020.

4. Discovery shall be coordinated with discovery in the Consolidated Class Action and shall proceed in accordance with the discovery schedule and discovery coordination plan agreed to by the parties to the Individual Actions and entered by the Court. *See Mason* at ECF Nos. 50, 70; *Pentwater* at ECF Nos. 52, 72; *Hudson Bay* at ECF Nos. 10, 54; *WCM Alternatives* at ECF Nos. 13, 58.

5. The parties’ initial disclosures under Rule 26(a)(1) shall be due on or before April 15, 2020.

6. In light of paragraphs 4 and 5 herein above, the Court will not schedule or conduct an Initial Scheduling Conference in the Action.

Dated: March 10, 2020

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SO ORDERED THIS 11th DAY OF March, 2020

Leda D. Wettre
Hon. Leda D. Wettre, U.S.M.J.

